

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

D&Z AUCTION RESELLERS, LLC AND  
GUSTAVO A. MORENO PONCE

Plaintiffs

v.

MEDI DATA CORPORATION, ET AL.

Defendants

CASE NO. 3:19-cv-01242- WGY

Copyright Infringement  
Violation of Digital Millenium Act  
Computer Fraud and Abuse

Jury Trial Requested

**MOTION FOR CLARIFICATION**

**TO THE HONORABLE COURT:**

**COMES NOW** defendant Virna L. Martínez d/b/a Farmacia Campo Alegre, through the undersigned legal representation and, **without submitting or consenting to the jurisdiction of the Court**, very respectfully state, request and pray:

1. On 08/23/2029 the appearing party filed a motion pursuant to FRCP 12(b)(5) requesting dismissal of the present action, on the grounds of insufficient service of process and lack of *in personam* jurisdiction. See DKT 62.

2. On 10/21/20 this Honorable Court notified an order setting the date (11/17/20 at 3:00pm) for a hearing on the aforementioned motion, as well as on various other pending dispositive motions. See DKT 124.

3. However, the order is not clear as to the type of hearing, specifically, if it is going to be argumentative or evidentiary in nature.

4. In light of the foregoing, the appearing party respectfully requests that the order at DKT 124 be clarified as to the nature of the hearing, since if it shall be an evidentiary hearing, various arrangements for the appearance of witnesses must be made.

**WHEREFORE**, Defendant respectfully requests that this Honorable Court acknowledges the facts stated herein and grants this motion, clarifying the nature of the hearing set for 11/17/20.

**I HEREBY CERTIFY** that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

**RESPECTFULLY SUBMITTED./**

In Guaynabo, Puerto Rico, this 4th day of November, 2020.

s/RICARDO CASTRO VARGAS  
USDC/PR NO. 228,314

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